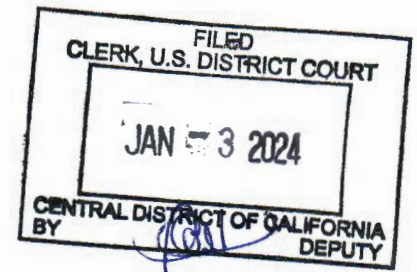


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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Caleb L. McGillvary)	
PLAINTIFF)	CIVIL ACTION NO.
)	2:23-cv-01195-JLS-SK
V.)	Hon. Josephine L. Staton, USDJ
)	Hon. Steve Kim, USMJ
NETFLIX et al.)	Motion Date: To be determined
DEFENDANTS)	by the Court
)	
)	

**MOTION TO DISPENSE WITH SERVICE OF PLEADINGS AND OTHER PAPERS
AND MEMORANDUM OF POINTS AND AUTHORITIES Fed. R.Civ.P.5(c)(1)**

Relief Sought

Caleb L. McGillvary ("Plaintiff") moves this court under Rule 5(c)(1) of the Federal Rules of Civil Procedure for an order:

1. That service of the pleadings and other papers of the defendants and replies to those pleadings and other papers, if any, need not be made as between the defendants,
2. That any crossclaim, counterclaim, or matter constituting an avoidance or affirmative defense be deemed denied or avoided by all other parties, and
3. That the filing of any of these types of pleadings and other papers and service of these defensive pleadings and other papers on the plaintiff shall constitute notice of it to all of the other parties.
4. That the electronic notice of filing by the Clerk shall constitute service on all parties except Plaintiff, or those appearing pro se, and that service by mail is dispensed with for all parties but Plaintiff and those appearing pro se.

Grounds for Relief

1. This motion is expressly authorized by Rule 5(c) when, as in this case, there is an unusually large number of defendants in the case, in this case 33.

2. All of these defendants are likely to be filing stock defensive pleadings and other papers, all are naming each other in crossclaims for contribution, all are counterclaiming against the plaintiff, and all are likely to assert numerous but standard affirmative defenses.

3. A marathon of pleadings and other papers, service of pleadings and other papers, responses, and service of responses would not be helpful or productive and would impose a great burden on all of the parties to this action.

4. All of the issues joined by the pleadings and other papers may be settled more economically and efficiently in a pretrial order made after the parties have had an opportunity to define the available evidence and the actual contentions that will be asserted at trial.

5. Plaintiff is a self-representing indigent litigant in State custody, and service of all documents upon him in paper format, by mail, is necessary. The U.S. Marshal has been appointed to serve all process on behalf of Plaintiff pursuant to 28 U.S.C. 1915. Defendants represented by counsel, however, are mandatorily participating in the Case Management/Electronic Court Filing system ("CM/ECF").

6. Each time the Clerk receives one of Plaintiff's paper filings via mail, the Clerk files Plaintiff's document into the CM/ECF system, and notice is automatically thereby sent to all CM/ECF-participating parties. This constitutes service upon each said party pursuant to L.R. 5-3.2.1.

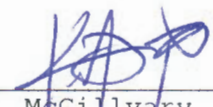
7. For the foregoing reasons, it is in the interest of judicial economy for service by mail to be dispensed with for all parties but Plaintiff and those appearing pro se, and for an order that service upon CM/ECF-participant parties be effected by the Clerk electronically pursuant to L.R. 5-3.2.1.

8. Plaintiff also requests that the Court Order that the Clerk and/or U.S. Marshal will, as required by Rule 5(c)(2) and 28 U.S.C. 1915(d), promptly serve a copy of any order made by the court on all of the other parties to this action. The Clerk and/or U.S. Marshal will serve a copy of this order on all parties by mail to the offices of the respective attorneys of record unless this court finds that some other form of notice should be given.

Record for Motion

This motion is based on the pleadings and other papers and papers on file in this action, this motion, the attached Notice of Motion, this Memorandum of Points and Authorities, the declaration of Caleb L. McGillvary, and whatever evidence and argument is presented at the hearing of this motion.

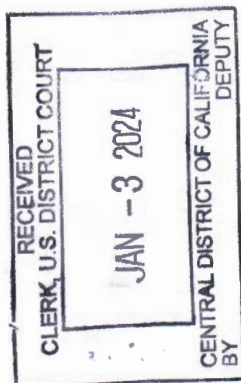
Dated: 12/18/23


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